

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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BALMORE ALEXANDER VILLATORO, )

Plaintiff, )

vs. )

PRESTON, et al., )

Defendant. )

CASE NO. 3:16-cv-00531-MMD-WGC

**MINUTE ORDER**

DATED: October 8, 2019

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Karen Walker REPORTER: None Appearing

COUNSEL FOR PLAINTIFFS: None Appearing

COUNSEL FOR DEFENDANTS: None Appearing

**MINUTE ORDER IN CHAMBERS:**

Before the court is Plaintiff's motion requesting "Complete Medical Files-In It's Entirety for Review and other discovery request." (ECF No. 53). Plaintiff argues that when he was afforded an opportunity to review his medical file and take notes for this litigation, "Plaintiff noticed that x-ray files were missing. The (MRI) printouts were not in the Medical files which were taken at N.N.C.C. [ . . . ]" Plaintiff also argues he has not been provided incident reports when he "fell down the stairs at Unit 2B at L.C.C. and injured myself . . ." (*id.*) Defendants have responded by producing copies of certain medical records under seal and have also advised that Plaintiff's "diagnostic reports" have been submitted to the warden's office for Plaintiff's review and that Plaintiff may kite the warden's office "and request the review of his medicals." (ECF No. 54). Plaintiff has not filed a reply memorandum.

Defendants' submission (ECF No. 54) resolves the issue of apparently missing medical records being made available to plaintiff for his review. To that extent Plaintiff's motion (ECF No. 53) will be **denied as moot**.

The Defendants did not address, however, Plaintiff's contention at page 3 of his motion that he has not been provided an opportunity to review any reports or records of when "plaintiff fell down the stairs and injured myself." Plaintiff states that "this information was requested but was not presented upon discovery request." It appears reasonable to the court that any NDOC report or records of Plaintiff falling down stairs at L.C.C. should either be promptly produced to Plaintiff or made available to Plaintiff for his review (barring some security considerations, the

1 more appropriate course of action would seem to be to produce to Plaintiff copies of any such  
2 records). Plaintiff's motion (ECF No. 53) is **granted** to that extent. Defendants shall file a  
3 notice with the court within seven days of compliance with this aspect of this order.

4 The court will enter a separate order granting Defendants' Motion for Leave to File  
5 Medical Records Under Seal (ECF No. 55).

6 IT IS SO ORDERED.

7 DEBRA K. KEMPI, CLERK OF COURT

8 By:                     /s/                      
9 Karen Walker, Deputy Clerk